

APPEALS

Everyone applying to immigrate to Canada has the right to have their application treated fairly, and assessed in accordance with the law. Immigration officers are human, however, and even if you have a good case, it may still be refused. In most cases, the law provides you with a right to appeal.

There are many reasons why cases may be refused. You may not have prepared your case well, with enough supporting evidence. You may have been nervous at your interview, so the Immigration officer thought you were lying, or providing false documents. Or you may have inconsistencies in your documents, your application forms, or your interview statements.

At Lowe & Company, we often appeal cases where people have been refused unjustly. Where possible, we try to get your case reconsidered by the Immigration officer or supervisor. If this fails, we can file an appeal, either to the Federal Court or the Immigration Appeal Division.

The time to file an appeal is limited, however; you may have as little as 15 days from the decision in order to file the appeal. If you have been refused, you should consult a lawyer as soon as possible.

Here are some common problems:

Skilled Workers refusals: If the Immigration officer doesn't assess you the minimum points required, and doesn't give you a positive "substituted evaluation", you will be refused. This may be due to inaccurate assessments of education, language skills, work experience, or other factors due to poor documentation, or a difficult interview.

Business Immigrants refusals: If the Immigration officer doesn't believe that you have the required "business experience", or if you can't prove how you legally earned your net assets, your case could be refused. Since business is conducted different ways in different countries, if your case is not presented properly, the Immigration officer can easily misinterpret your situation.

Entrepreneur Condition Removals: If the Immigration officer finds that you didn't invest in and be actively managing a qualifying business within the 2 or 3 year time condition, you could be ordered deported. We can often negotiate an extension of time to comply for our clients.



Spousal sponsorship refusals: The Immigration officer may not believe you have a genuine marriage or common law relationship. Often, poor evidence of your relationship or cultural factors are the cause of the problem.

Medical Inadmissibility: The Immigration officer believes that you will likely be a danger to public health or safety, or will cause undue demands on Canada's health or social services. This can sometimes be challenged, and there may be Humanitarian and Compassionate grounds to appeal your refusal.

Criminal Inadmissibility: If the Immigration officer determines that you have committed, or are likely to commit, specified criminal offences inside or outside of Canada, you may be inadmissible. Again, there may be Humanitarian and Compassionate grounds to appeal your refusal.